

[Print Results](#)

Page 15 of 138



Dow Jones & Reuters

A Section

House panel hears debate on creation theory

BILL SULON
 Of The Patriot-News
 539 words
 21 June 2005
 Patriot-News
 FINAL
 A01
 English

Copyright (c) 2005 Bell & Howell Information and Learning Company. All rights reserved.

Supporters and opponents of **intelligent design** found little common ground yesterday on whether the theory may be taught in the state's public schools along with the theory of evolution.

Intelligent design holds that the universe and living things are best explained by the existence of a guiding force. Lawyers and professors on both sides of the issue spoke at a four-hour hearing before the House subcommittee on basic education.

The panel is considering legislation to allow schools to include the theory of **intelligent design** when discussing evolution.

"Let it be taught alongside" evolution, subcommittee Chairman Rep. Samuel E. Rohrer, R-Berks County, said near the end of the hearing.

The panel took no action yesterday, but is expected to discuss the issue next month.

Intelligent design surfaced as an issue last year when Dover Area School District in York County required that it be taught in science class.

The Dover school board's decision, believed to be the first of its kind in the nation, prompted lawsuits by opponents and led to the proposal in the House.

The bill "would open the door to the teaching of a controversial theological assertion based in creationism," said Janice Rael, president of the Delaware Valley Chapter of Americans United for Separation of Church and State.

She called on lawmakers to reject the measure "in order to preserve the integrity of our public school system and prevent unnecessary politicization of state education of religious fundamentalists."

Rael called **intelligent design** the "antithesis of science." She said proponents were trying to inject science in their cause to get around a 1987 U.S. Supreme Court ruling that said, "The belief that a supernatural creator was responsible for the creation of human kind is a religious viewpoint, and cannot be taught in public schools along with the scientific theory of evolution."

However, Michael Behe, professor of biochemistry at Lehigh University, said the issue of **intelligent design** "is not a religious argument," but one for which he and other proponents contend "simply that some parts of nature are best explained as the result of purposeful activity."

But religion occasionally entered the debate. When Randy Bennett, an associate professor of biology at Juniata College, discussed why he believed **intelligent design** had no scientific legitimacy, Rep. Darryl D. Metcalfe, R-Butler County, said there are "those of us who believe God created" the universe.

Moments later, when Bennett mentioned God, Metcalfe said, "Your God and my God [are] different based on your testimony," evoking gasps and laughter.

Larry Frankel, legislative director of the American Civil Liberties Union of Pennsylvania, called **intelligent design** "the latest alias for creationism" that "should be recognized for what it really is -- a faith-based explanation of the origin of life."

Samuel S. Chen, a student at Emmaus High School, said he wants fellow students to have an opportunity to hear views other than those of teachers who discuss evolution.

Print Results

Page 16 of 138

"If evolution is indeed a scientific fact, why don't the evolutionists simply produce the evidence to answer the questions and doubts posed by Intelligent design?" he said. BILL SULON: 255-8144 or bsulon@patriot-news.com

Document PATHAR0020050621e16l0003o

© 2005 Dow Jones Reuters Business Interactive LLC (trading as Factiva). All rights reserved.

[Print Results](#)



Dow Jones & Reuters

BUSINESS

Black bear banter; Regulars at Shiloh Family Restaurant chatted about bears, baseball and the classroom.

SEAN ADKINS

York Daily Record

634 words

24 June 2005

York Daily Record

10

English

Copyright (c) 2005 Bell & Howell Information and Learning Company. All rights reserved.

George Wynegar did not encounter the black bear that rambled through parts of York County earlier this week.

But the Dover Township resident does have a theory on why the wild animal left its wooded area to roam through populated communities.

"I guess the bears have to go somewhere, with all the housing developments being built," Wynegar said. "They are just forcing them out of the woods."

Several Shiloh Family Restaurant regulars, including Wynegar, recently chatted about the black bear that had been captured in Windsor Township on Wednesday and later escaped into a wooded area of upper Dauphin County.

Jane Langeheine and her husband, Terry, appeared to share the same opinion as Wynegar in regard to the bear's actions.

"We are building houses where they live, so they are coming out," she said. "It's (the bear's) neighborhood."

Wynegar said he believes that residents were in no danger with a juvenile black bear on the loose.

"The bear was probably more scared of the people than the people were of the bear," he said.

Recent jumps in population within several sections of the county have forced wildlife out of the backyards of many longtime residents, Langeheine said.

"We used to see a lot of deer in our yard," she said. "The only wildlife we see now are squirrels and rabbits."

While black bears are a rare sight in York County, Julene and Raymond Bechtel have spotted a few of the animals while at their Cameron County cabin.

Next week, the Bechtels said, they will break from their morning schedule, which often includes breakfast at Shiloh Family Restaurant, and head for their cabin in the mountains. The time away will

[Print Results](#)

afford the couple time to relax and to meet with friends.

In past trips to Cameron County, Julene Bechtel said she has seen turkeys, elk and the occasional bear.

"We see bears up in the mountains, so it's not a big deal for us," she said. "But, its something (to see a bear) down here."

William Moul of Weigelstown, a five-day-a-week Shiloh Family Restaurant regular, said he, too, has seen a black bear, just not in York County.

"The best thing to do is to stay away from the bear," he said.

While news of wild animals roaming the backyards of York County spiked residents' curiosity, other interests such as sports served as conversation.

Often, Moul and Julene Bechtel discuss over breakfast the wins and losses of their favorite baseball teams. Moul is a Baltimore Orioles and Atlanta Braves fan, while Bechtel pledges her allegiance to the St. Louis Cardinals.

"I think the Orioles' pitching has to get better," Moul said. "They have the hitters, but they need better pitching."

Wynegar said he is a Philadelphia Phillies fan, despite the team's sluggish performance earlier in the season. "They seem to be doing much better now," he said.

Wynegar said he often chats with other Shiloh Family Restaurant patrons about the issue of **intelligent design** and how Dover Area School District has introduced the concept into its curriculum.

Intelligent design proposes that life is too complex not to have been guided by the hand of a divine creator.

"If they can teach (evolution), then they should be able to teach (**intelligent design**)," Wynegar said. "In this day and age, people seem to forget where they come from. I, for one, did not come from no monkey."

Reach Sean Adkins at 771-2047 or sadkins@ydr.com.

PIC: DAILY RECORD / SUNDAY NEWS KRISTIN MURPHY

Julene and Raymond Bechtel finish up their coffee Thursday morning as Violet Bortner runs dishes back to the kitchen at Shiloh Family Restaurant.

Document YKDR000020050625e16o0002x

© 2005 Dow Jones Reuters Business Interactive LLC (trading as Factiva). All rights reserved.

Dover official to leave

Cited health as reason

By LAURI LEBO
Daily Record/Sunday News
Sunday, July 10, 2005

The man who championed the fight to bring intelligent design into Dover's biology classroom is leaving town.

But Dover Area School Board member Bill Buckingham said he will still be involved in September's First Amendment trial over the district's science curriculum.

As a board member, he is one of the defendants in the lawsuit.

Buckingham's departure raises questions about his responsibility to the district. Should the district lose what will likely be a costly legal battle, the plaintiffs would likely sue to recoup legal costs, leaving district taxpayers to foot the bill.

He said he's not worried.

"We don't expect to lose," he said. "We believe we're right."

Buckingham has already sold his Dover Township house and said he will be moving to Mount Airy, N.C., for health reasons. He said his body can no longer stand Pennsylvania's cold winters since having six back surgeries and three knee-replacements.

"The winter in North Carolina starts later and ends earlier," he said.

Buckingham led the battle to make Dover the first public school district in the country to include intelligent design in its science curriculum. Intelligent design is the idea that life is too complex to have evolved solely through natural selection and genetic mutation and therefore must have been designed by an intelligent force.

Eleven parents, arguing intelligent design is religiously based, are suing the district. And some legal experts are

predicting Dover could be the first test case of the concept.

Last June, Buckingham, who was head of the curriculum committee, spoke out against adopting a proposed biology textbook because, he said, it was "laced with Darwinism." During board meetings, he argued for a textbook that balances the "Christian view of creationism and evolution."

But in a sworn deposition in January, Buckingham denied making the remarks about Christianity and creationism, which had been reported in both the York Daily Record/Sunday News and The York Dispatch.

Buckingham had also pushed to have the district purchase the pro-intelligent design book "Of Pandas and People," of which 58 copies were later donated to the school library. The district refuses to release the names of the people who made the donation.

And, in October, Buckingham introduced the motion, which passed 6-3, to make intelligent design part of the district's science curriculum. In January, administrators read a brief statement to ninth-grade biology students that included the phrase.

Bryan Rehm, a candidate with Dover Citizens Actively Reviewing Educational Strategies, said the committee will likely have a member apply to fill Buckingham's term, which ends December 2007. But he said there has been no formal discussion about it.

As for the likelihood any Dover CARES candidates would be chosen by the school board, Rehm said, "based on past practices, I'm guessing their chances would not be that good."

Rehm, a physics teacher who opposed the board's decision, applied to fill one of four board vacancies in November, but was rejected. Instead, the board appointed four people who all supported intelligent design in the classroom. "So far, the school board hasn't seemed to favor any of us at all," he said.

In December, Rehm joined with other parents in suing the district.

Board members Sheila Harkins, Alan Bonsell and Ed Rowand could not be reached for comment.

Buckingham said he doesn't know when he will formally step down, other than that it will be sometime "in the next month or so."

He said friends and family understand why he's moving.

"It's something actually necessary for my physical well being," he said.

Reach Lauri Lebo at 771-2092 or llebo@ydr.com.

Print Results

factiva...

Dow Jones & Reuters

LOCAL

Dover CARES wants resignation before Sept. 8; If Buckingham resigns before that date, his seat can be added to November's ballot.

JOSEPH MALDONADO

York Daily Record

473 words

12 July 2005

York Daily Record

2

English

Copyright (c) 2005 Bell & Howell Information and Learning Company. All rights reserved.

Although he has now said publicly that he is going to resign and move to North Carolina for health reasons, Dover Area School Board member Bill Buckingham has not said when. Some, who expected him to do so during Monday evening's school board meeting, left disappointed when he failed to attend.

Buckingham has missed much of the year, having said in recent months that doctors do not want him walking any more than he has to. But residents, particularly those from the school board candidates group Dover CARES Citizens Actively Reviewing Educational Strategies, were hoping he would attend at least long enough to say when his final day was going to be.

At issue is whether he will resign before Sept. 8. Bernadette Reinking, a candidate from Dover CARES, said if Buckingham resigns before Sept. 8, an open seat will be added to the ballot.

"If it is after Sept. 8, the board will get to appoint who they want and that person will hold the seat until Bill's term is up," said Reinking, who has been in touch with the York County Board of Elections.

Buckingham's term ends in 2007.

Resident Tammy Kitzmiller said she believes Bill should resign as soon as possible.

"The residents of Dover should choose his replacement, not the board," she said. "He's given enough notice and there's plenty of time to get his seat on the ballot."

Dover CARES candidate Bryan Rhem said he is disappointed to see Buckingham leave given the district's current legal situation over the issue of **intelligent design**.

Last October, the board changed the ninth-grade biology curriculum to make students aware that there are gaps and problems associated with evolution and that there are competing theories with specific emphasis placed on **intelligent design**.

In December, 11 parents filed a federal lawsuit against the school district, arguing the curriculum change violates the First Amendment by requiring "teachers to present to their students in biology class information that is inherently religious, not scientific, in nature."

Print Results

"(Buckingham) was the one who led the drive to get that put in the curriculum and now he's leaving as the district is being sued," he said. "He should make an attempt to live up to the commitment he seems to expect from everyone else."

Alan Bonsell, board vice president, said he did not know what Buckingham's intentions were. He also said he was unaware of the Sept. 8 implications.

But Reinking, during public comment, requested a resignation before the September deadline.

No one on the board commented on her request at the meeting.

MUG: Buckingham Has not given a date of resignation

Document YKDR000020050716e17c0000a

© 2005 Dow Jones Reuters Business Interactive LLC (trading as Factiva). All rights reserved.

5 of 179 DOCUMENTS

Copyright 2005 MediaNews Group, Inc.
The York Dispatch (York, PA)

July 12, 2005 Tuesday

SECTION: TOP STORIES

LENGTH: 563 words

HEADLINE: Dover board in more flux

BYLINE: HEIDI BIRNHARD-BUBB *For The York Dispatch*

BODY:

The timing of Bill Buckingham's resignation from the Dover Area School Board might have an impact on the polls in November.

If Buckingham resigns before Sept. 8, the board of elections can put his seat on the ballot and each party can submit a candidate for election this fall.

However, if Buckingham resigns after the September deadline, the board will have to appoint someone to serve the remainder of his term, which ends in 2007.

Plans unknown: Buckingham, citing poor health, reportedly sold his Dover Township home and plans to move to North Carolina, but he has not revealed when he will resign or when he plans to move.

And Buckingham was not present at last night's school board meeting to shed any light on his plans.

At the beginning of the meeting, board president Sheila Harkins announced that Buckingham would be late because he was in another meeting, but he never showed.

He also could not be reached by phone for comment after the meeting. Buckingham's absence and the lack of information about the exact timing of his resignation concerned some residents.

Intelligent design: Buckingham was one of six board members who voted in October to make intelligent design part of the district's high school biology curriculum. Intelligent design is a theory that attributes the origins of life to a higher being, not an undirected process such as natural selection. The school board's decision to have a statement on intelligent design read in ninth-grade biology classes sparked a lawsuit by 11 parents.

At last night's meeting, members of Dover CARES [Citizens Actively Reviewing Educational Strategies] said the people of Dover should be given the opportunity to vote on Buckingham's replacement. The group has seven candidates on the ballot in November in opposition to the incumbent board.

"I am concerned about the implications ... appointees are never good in government," said Dover CARES member Cynthia Sneath, one of the parents suing the school district.

Bernadette Reinking, a member of Dover CARES on the ballot in November, asked the board to consider allowing the seat to go up for election.

"It is the right thing to do," Reinking said after the meeting.

Not yet official: Harkins said the board has not received Buckingham's resignation.

The York Dispatch (York, PA) July 12, 2005 Tuesday

"I don't know when he is leaving or if he will resign before September. We can't make him leave early," Harkins said.

If Buckingham resigns before September, it will mean almost the entire school board --eight out of nine members -- will be up for election. There are currently four four-year terms and three two-year terms open on the board.

In the past year, the school board has appointed members to five empty seats because of resignations. Two former school board members moved out of the district and three quit over intelligent design.

The five appointees are in favor of intelligent design and will be on the ballot in November.

In the May primary, a field of 18 candidates was narrowed to 14, seven incumbents against seven Dover CARES candidates.

The candidates will face off in what has been called the most hotly contested school board election in Dover's history.

Though all the candidates cross-filed as Republicans and Democrats, the incumbents will be listed as Republicans and the Dover CARES candidates will be listed as Democrats.

LOAD-DATE: July 12, 2005

4 of 179 DOCUMENTS

Copyright 2005 MediaNews Group, Inc.
The York Dispatch (York, PA)

July 13, 2005 Wednesday

SECTION: TOP STORIES

LENGTH: 903 words

HEADLINE: Suit now centers on reporters

BYLINE: CHRISTINA KAUFFMAN *The York Dispatch*

DATELINE: The suit

BODY:

A federal judge is expected to hear arguments tomorrow relating to a lawsuit filed against the Dover Area School District and its school board.

filed in December by 11 parents with the help of the American Civil Liberties Union -- seeks permanent removal of any reference to intelligent design from the high school science curriculum.

Middle District Judge John E. Jones will hear arguments about whether news reporters from The York Dispatch and the York Daily Record must turn over notes they took while covering board meetings and be called upon to testify.

Attorney Eric Rothschild of the Philadelphia-based law firm Pepper Hamilton, the law firm that represents the parents, said his clients were willing to accept written affidavits from freelance reporters Heidi Bernhard-Bubb and Joseph Maldonado, who reported on Dover school board meetings in June 2004.

More Center wants testimony: But attorneys from the Thomas More Center for Law & Justice, which represents the school district and its board, said their clients want to hear testimony from the writers.

The writers' reports detailed school board members' explanations of their interest in teaching an alternative to Darwin's theory of evolution. While board member William Buckingham was the only school board member quoted as making a "religious" comment, Rothschild said other school board members were speaking "in very religious terms."

On June 14, 2004, Bernhard-Bubb attended a school board meeting where members discussed evolution and the biology curriculum. She quoted Buckingham as asking, "Nearly 2,000 years ago someone died on a cross for us; shouldn't we have the courage to stand up for him?"

Maldonado reported a similar quote from the meeting.

But Rothschild said school board members and officials disputed the quotes.

The newspapers' editors, in affidavits responding to the parents' requests for information, said school board members never asked the newspapers for a correction or retraction.

"We believe that the articles at issue are very accurate and that the reporters reported that which they had heard," said Nilcs Benn, an attorney with York-based Benn Law Firm, which represents the newspapers.

He said the articles "speak for themselves," and that there are about 100 members of the public who were present at the school board meeting and heard the statements being made.

The York Dispatch (York, PA) July 13, 2005 Wednesday

Buckingham has recently announced he plans to retire and move south.

Richard Thompson, president and chief counsel for the Thomas More Center for Law & Justice, said his interest in the reporters was a result of the parents' request to have them deposed.

He said he is not "taking issue" with anything the reporters reported, but "just trying to find out what the facts are."

"What we want to know is, 'What is the rest of the story?' ... You can take anything out of context and make it seem that it's something that it really isn't."

The More Center is representing the district free of charge. The Michigan-based center bills itself as a firm that defends Christians whose rights have been violated.

Arguments from book publisher? At the hearing tomorrow, Judge Jones is also expected to hear arguments from the publisher of the intelligent design textbook "Of Pandas and People: The Central Question of Biological Origins."

Because the scientific validity of intelligent design is expected to be called into question, the publisher, Foundation for Thought and Ethics, wants to intervene in the suit.

In a May 23 motion filed in Harrisburg, the foundation alleges that the parents intend to destroy both intelligent design theory as a viable scientific explanation to the origins of life and the foundation's ability to market textbooks.

A statement about intelligent design that is read in Dover High's biology classes refers to the foundation's book, several copies of which were anonymously donated to a high school library last year.

Attorneys for both sides said they oppose intervention by the publisher.

"We don't think it's necessary for them to intervene because it's not going to in any way be relevant to the issues at the trial," Thompson said.

He said intervention would only serve to make the trial, which is scheduled to begin in September, "longer and more complicated" and would open a door for "every book publisher" to intervene in various lawsuits if they published a book on the matter being debated.

Benn said Judge Jones will likely issue his findings tomorrow or shortly thereafter.

Statement added last year: The board voted last year to include a statement about intelligent design -- which attributes the origin of life to a higher being -- in its ninth-grade biology curriculum.

The 11 parents allege the board introduced intelligent design because of its members' personal religious beliefs.

According to their lawsuit, the theory was created specifically as a science "consonant with Christian and theistic convictions" and designed to replace the banned creationism.

The lawsuit also alleges that the Discovery Institute, which promotes the intelligent design theory, has argued for using the theory in a "Wedge Strategy" to "replace materialistic explanations with the theistic understanding that nature and human beings are created by God."

-- Reach Christina Kauffman at 505-5434 or ckauffman@yorkdispatch.com

LOAD-DATE: July 13, 2005

[Print Results](#)



Dow Jones & Reuters

LOCAL

BACKGROUND

York Daily Record

331 words

13 July 2005

York Daily Record

1

English

Copyright (c) 2005 Bell & Howell Information and Learning Company. All rights reserved.

In sworn depositions in January, Dover Area School Board members denied charges that they were motivated by religion when they revamped the district science curriculum to include the phrase "**intelligent design**."

At issue are discussions that took place at the June 7 and June 14 meetings in 2004 on whether to approve a teacher-recommended biology book. In deposition hearings Jan. 3, attorneys for parents opposed to the change attempted to show the discussions were about whether students in the ninth-grade biology class should be taught creationism in addition to evolution.

School board members Bill Buckingham, Sheila Harkins and Alan Bonsell and Supt. Richard Nilsen have, under oath, either said they have no memory of making the remarks related to creationism or denied making such remarks. "I was a part of the curriculum committee, and I've never had anyone ever talk about looking for a book of creationism and evolution," Harkins said in her deposition.

Some residents and former district officials say board members made the statements they later denied. In the federal lawsuit's complaint, filed in December, attorneys point to several remarks concerning creationism made by some board members at school board meetings last summer that were reported by the York Daily Record/ Sunday News and The York Dispatch.

When attorneys asked Buckingham whether he said at a school board meeting that all he wants is a book that offers balance between what he said are the "Christian view of creationism and evolution," Buckingham stated, "Never said it."

But a taped television interview at the time shows Buckingham, the board's chief proponent of **intelligent design**, talking about teaching creationism in science class. One week after the June 14 meeting, Buckingham, in a taped interview with a Fox television reporter regarding the biology textbook, said, "My opinion, it's OK to teach Darwin, but you have to balance it with something else, such as creationism."

By LAURI LEBO

Daily Record/Sunday News

Document YKDR000020050716e17d0002b

© 2005 Dow Jones Reuters Business Interactive LLC (trading as Factiva). All rights reserved.

Depositions of reporters sought in Dover case

An attorney for York's newspapers said the writers should not have to testify.

By I. AURI LEBO
Daily Record/Sunday News
Wednesday, July 13, 2005

Dover Area School Board defense attorneys are fighting to force two local reporters to enter the court battle over intelligent design.

At issue are several articles written June 2004 by Joe Maldonado, a freelance correspondent with the York Daily Record/Sunday News, and Heidi Bernhard-Bubb, a freelance correspondent with The York Dispatch.

The articles were regarding discussions on a proposed biology book during which board members discussed creationism. But in sworn depositions in January, board members denied the remarks attributed to them in the newspaper articles. And in a motion filed earlier this summer, attorneys for the school board asked the court to require Maldonado and Bernhard-Bubb to appear for depositions in the First Amendment lawsuit over intelligent design.

"Only the reporters possess information about their bias, prejudice, interest and motive in their reporting," the motion states.

But Niles Benn, attorney for both newspapers, said the accusations aren't about reporter bias.

"We don't feel there was any bias at all," he said. "The statements were made by the persons quoted. They never asked for retraction, they never asked for a correction."

Richard Thompson, president of the Thomas More Law Center, said he also wants to be able to examine the reporters' notes from the meetings, in order to ascertain whether "they were fair in their stories and were presented in an even-handed manner.

"Credibility is an issue," he said.

Eleven parents filed suit against the Dover school district in December regarding the school board's 6-3 decision to make students aware of intelligent design. The parents argue the requirement is an attempt to get God into science class, something the U.S. Supreme Court has forbidden in a number of cases.

Dover is believed to be the first public school district in the country to include intelligent design in its curriculum. But proponents of intelligent design — the idea that life is too complex to have evolved solely through natural selection and therefore must have been created by an intelligent designer — say that the concept is not necessarily related to the biblical account of creation.

'A chilling effect'

"As journalists, we're told to try to stay out of the story," Maldonado said. Nonetheless, he said, "I stand by every word I wrote."

In May, plaintiffs' attorneys subpoenaed Maldonado and Bernhard-Bubb to appear at a deposition. The plaintiffs' attorneys then agreed to accept affidavits supplied by the reporters and their supervisors, swearing to the accuracy of their articles.

Eric Rothschild, an attorney for Pepper Hamilton, which represents the plaintiffs, said he believed it was necessary to subpoena the reporters because the truth of the articles had been called into question.

He added that lawyers for the parents were satisfied with the affidavit asserting the articles were correct.

However, both sides have to agree to the affidavits in order for them to be admissible in court. And defense attorneys say they want to be able to cross-examine the reporters.

For that reason, earlier this summer, attorneys for the school board filed motions asking the court to require Maldonado and Bernhard-Bubb to appear for depositions. A hearing regarding those motions is scheduled for Thursday.

Benn said the entire fight over reporters' testimony would be a moot point if the board had kept its records of its meetings.

According to practice, the school board recorded the two June meetings. However, after the official minutes are typed, all tapes are recorded over.

Randy Parker, Daily Record/Sunday News managing editor, said the newspaper fights to keep its reporters from getting dragged into battles that could jeopardize their "neutral position." And agreeing to the request for reporters' notes and drafts of stories could have a "chilling effect on news-gathering," he said.

"What doesn't make it in the soup isn't relevant," he said.

Both Parker and Benn said there are other sources for the same information.

"Our position is the law in Pennsylvania puts the burden on the subpoenaed party to try to secure the information from every other source," Benn said.

He said approximately 100 other people were at the meetings who could swear under oath to what was said.

"We are far from the only source of information on this," Parker agreed. "Reporters have no magic powers. There are many others who could be called in to testify without having such a hindering effect."

Mark Franklin, York Dispatch managing editor, said editor Lori Goodlin was referring calls made to her and Bernard-Bubb to Benn.

WHAT'S NEXT

A hearing on motions to require two local reporters to appear for depositions is scheduled for 1:30 p.m. Thursday at the federal courthouse in Harrisburg.

top

BACKGROUND

In sworn depositions in January, Dover Area School Board members denied charges that they were motivated by religion when they revamped the district science curriculum to include the phrase "intelligent design."

At issue are discussions that took place at the June 7 and June 14 meetings in 2004 on whether to approve a teacher-recommended biology book. In deposition hearings Jan. 3, attorneys for parents opposed to the change attempted to show the discussions were about whether students in the ninth-grade biology class should be taught creationism in addition to evolution.

School board members Bill Buckingham, Sheila Harkins and Alan Bonsell and Supt. Richard Nilsen have, under oath, either said they have no memory of making the remarks related to creationism or denied making such remarks. "I was a part of the curriculum committee, and I've never had anyone ever talk about looking for a book of creationism and evolution," Harkins said in her deposition.

Some residents and former district officials say board members made the statements they later denied. In the federal lawsuit's complaint, filed in December, attorneys point to several remarks concerning creationism made by some board members at school board meetings last summer that were reported by the York Daily Record/Sunday News and The York Dispatch.

When attorneys asked Buckingham whether he said at a school board meeting that all he wants is a book that offers balance between what he said are the "Christian view of creationism and evolution," Buckingham stated, "Never said it."

But a taped television interview at the time shows Buckingham, the board's chief proponent of intelligent design, talking about teaching creationism in science class. One week after the June 14 meeting, Buckingham, in a taped interview with a Fox television reporter regarding the biology textbook, said, "My opinion, it's OK to teach Darwin, but you have to balance it with something else, such as creationism."

— By LAURI LEBO

Daily Record/Sunday News

top

2 of 179 DOCUMENTS

Copyright 2005 MediaNews Group, Inc.
The York Dispatch (York, PA)

July 15, 2005 Friday

SECTION: TOP STORIES

LENGTH: 775 words

HEADLINE: Notes' value studied

BYLINE: CHRISTINA KAUFFMAN *The York Dispatch*

BODY:

A federal judge is expected to look at notes taken by a freelance correspondent for *The York Dispatch* at Dover Area School Board meetings to decide if those notes, and information from another newspaper's correspondent, must be turned over in the federal lawsuit against the school district.

Middle District Judge John E. Jones III presided yesterday over about three hours of testimony in the suit, which was filed by 11 parents against their school district and board members. Parents said board members had religious motives in October 2004 when they voted to make reference to intelligent design in biology classes.

Intelligent design attributes the origins of life to a higher being.

Jones instructed the newspapers' attorney, Niles Benn of York City-based Benn Law Firm, to give him the notes and a draft of a story written by Heidi Bernhard-Bubb for *The York Dispatch* and e-mails written by Joseph Maldonado for the *York Daily Record*. The information must be turned over by Tuesday.

The reporters covered the school board's meetings and quoted school board member Bill Buckingham making religious comments.

Residents' attendance cited: Benn said the reporters should not have to testify or turn over information because their news articles are accurate and speak for themselves. He said use of a newspaper's reporters notes should be the last resort.

And he cited case law from two similar cases in which reporters were not forced to turn over information because there were other people who could testify about what happened.

Benn said there were about 100 residents who attended one of the meetings during which reporters quoted Buckingham speaking in religious terms, and the parents' attorneys "haven't even attempted to depose" them.

Witold Walczak, an attorney for the parents, said the reporters' accounts of the meetings are different from those of residents who attended the meeting. The residents would give their accounts based on recollection, whereas the reporters have documented the events as "part of the historic record."

Walczak is legal director of the American Civil Liberties Union of Pennsylvania, which is handling the parents' case along with Philadelphia-based law firm Pepper Hamilton and Americans United for the Separation of Church and State.

Board lawyer calls accounts false: School board attorney Patrick Gillen said it was not the board but the parents who attempted to "drag them [the reporters] into this."

The York Dispatch (York, PA) July 15, 2005 Friday

"...when they were on the sidelines we were content with that."

The parents were willing to accept written affidavits from the reporters. But after the reporters were mentioned, the school board's attorneys issued them subpoenas to testify.

Benn filed a motion to quash those subpoenas, arguing the reporters' notes should not be turned over and they should not have to testify.

Gillen said the purpose of the subpoena was "fundamental fairness," because his clients wanted the right to cross-examine the reporters if they testified against the board.

He said the writers' reports were "consistently false" and any newspaper articles should be considered "hearsay."

Buckingham was quoted using religious terms in both separately-owned newspapers.

Though the newspapers are not related, and the reporters do not work in the same office, "ironically, they all heard the same thing," Benn said.

Video clip: There is also a video news clip of Buckingham telling a Fox 43 television reporter that the school's previous biology curriculum was "laced with Darwinism" and he wanted to balance Darwin's theory of evolution with "something else, such as creationism," Benn said.

But in court depositions, Buckingham, his fellow board members and the district's superintendent said they either don't remember Buckingham ever making such comments or that reporters fabricated them. Buckingham has since announced he is resigning from the board and moving to North Carolina.

Benn said the district officials are basically "alleging conspiracy."

Gillen is an attorney with the Michigan-based Thomas More Law Center. The group, which says its mission includes "defending the religious freedoms of Christians," is defending the board for free.

The judge is expected to rule after privately reviewing the papers next week.

If the reporters must testify, Benn wants Jones to issue an order that their testimony be limited only to what "they saw and heard" at meetings, and they should not be questioned about sources and notes.

The federal bench trial will begin in September.

-- Reach Christina Kauffman at 503-5434 or ckauffman@yorkdispatch.com.

LOAD-DATE: July 15, 2005

[Print Results](#)

factiva

Dow Jones & Reuters

LOCAL

Reporters' notes to be studied; The Dover school board lawyers want to scrutinize how stories were written in the intelligent design case.

LAURI LEBO

York Daily Record

685 words

15 July 2005

York Daily Record

1

English

Copyright (c) 2005 Bell & Howell Information and Learning Company. All rights reserved.

A judge wants to privately review the notes, story drafts and e-mails of two local reporters before deciding whether they should be used in court in the battle over **intelligent design**.

During a hearing Thursday in Harrisburg's federal court, U.S. Middle District Court Judge John E. Jones III agreed to a suggestion by the lawyer for the York Daily Record/Sunday News and The York Dispatch that the judge look at the information before ruling on whether to quash subpoenas in the case.

Defense attorneys for the Dover Area School Board filed motions last month requesting access to the information. They are also asking reporters Joe Maldonado, a freelance correspondent with the Daily Record, and Heidi Bernhard-Bubb, a freelance correspondent with the Dispatch, to be required to appear for depositions in the First Amendment lawsuit.

Patrick Gillen, attorney for the Thomas More Law Center, argued that not requiring the reporters to testify is essentially denying his clients their due process.

"Creationism has been largely put into their mouths," Gillen said. And attorneys want the notes, story drafts and e-mails because, he said, the "articles were consistently false and were putting things in a false light."

Meanwhile, the attorney for the 11 parents suing the district is arguing for the newspaper articles to be admitted into evidence, as well as affidavits submitted by both newspapers, and said the plaintiffs want to reserve the right to call the reporters to testify during the trial.

Witold Walczak, Pennsylvania director of the American Civil Liberties Union,

said the board members' disputed comments address both motive and principal effect, two elements used by the courts to determine establishment of religion.

The newspapers' attorney, Niles Benn, agreed to turn over Bernhard-Bubb's notes and story drafts and Maldonado's e-mails by the end of the day Tuesday.

Several times throughout the hearing, Jones asked attorneys whether they thought requiring reporters to turn over their notes "runs the risk of chilling reporters to do their work."

[Print Results](#)

After the hearing, Benn said he thinks the judge will find the reporters' material is not relevant.

The issue are several articles written by Maldonado and Bernhard-Bubb in June 2004 regarding discussions on a proposed biology book during which board members discussed creationism. In sworn depositions in January, board members denied the remarks attributed to them in the newspaper articles.

When attorneys asked board member Bill Buckingham whether he said at a school board meeting that all he wants is a book that offers balance between what he said are the "Christian view of creationism and evolution," Buckingham stated, "Never said it."

But, Benn pointed out during the hearing, Buckingham told a Fox News television reporter in June 2004, "My opinion, it's OK to teach Darwin, but you have to balance it with something else, such as creationism."

Benn also argued that Pennsylvania case law dictates that defense attorneys should try to get the information from others who also attended the board meetings and pointed out that the district keeps a list of those people. He also pointed out that had the school board not destroyed the taped recordings of the meetings, its attorneys wouldn't be fighting to compel reporters to testify.

Eleven parents filed suit against the Dover school district in December regarding the school board's 6-3 decision to make students aware of **intelligent design**. The parents argue the requirement is an attempt to get God into science class, something the U.S. Supreme Court has forbidden in a number of cases.

Dover is believed to be the first public school district in the country to include **intelligent design** in its curriculum. But proponents of **intelligent design** the idea that life is too complex to have evolved solely through natural selection and therefore must have been created by an intelligent designer say that the concept is not necessarily related to the biblical account of creation.

Document YKDR000020050716e17f0003t

© 2005 Dow Jones Reuters Business Interactive LLC (trading as Factiva). All rights reserved.

[Print Results](#)



Dow Jones & Reuters

LOCAL
IN COURT
York Daily Record
253 words
15 July 2005
York Daily Record

1
English

Copyright (c) 2005 Bell & Howell Information and Learning Company. All rights reserved.

After listening to lengthy testimony, a federal judge said he will soon make a decision on whether publishers of the controversial textbook "Of Pandas and People" should be able to join a First Amendment lawsuit over **intelligent design**.

Jon Buell, president of the Foundation for Thought and Ethics, told U.S. Middle District Court Judge John E. Jones III that he doesn't think attorneys for the Dover Area School Board will adequately defend **intelligent design** against the accusation that it is revamped creation science.

"Of Pandas and People" promotes the concept of **intelligent design**, which is the idea that life is too complex to have evolved randomly and therefore must have been created by an intelligent designer.

Buell's attorney Dennis Boyle of Lancaster-based Clymer & Musser argued that attorneys may be too busy defending Dover's "political policy," which requires ninth-grade biology students to be told about **intelligent design**.

Buell said his organization does not promote religion but rather "education and science."

However, the attorney for the 11 parents suing the district, submitted the foundation's 2003 tax-exempt form, which had been submitted to the Internal Revenue Service.

Reading from the form, Eric Rothschild, attorney with the Philadelphia-based law firm Pepper Hamilton, said the form stated the organization's primary purpose is "writing and promoting textbooks with a Christian perspective."

Buell said that was a mistake made by the person who filled out the form.

LAURI LEBO

Daily Record/Sunday News

Document YKDR000020050716e17f0003u

© 2005 Dow Jones & Company Inc. (trading as Factiva). All rights reserved.

[Print Results](#)



Dow Jones & Reuters

MAIN
CORRECTIONS
York Daily Record
207 words
15 July 2005
York Daily Record

2

English

Copyright (c) 2005 Bell & Howell Information and Learning Company. All rights reserved.

A story on page 3C of Thursday's Daily Record had incorrect information about the blood supply at York Hospital and Gettysburg Hospital. WellSpan Blood Donor Services supplies most of the blood used at the two hospitals, but 10 to 15 percent of their supply comes from the American Red Cross.

The date of DreamWrights Youth and Family Theatre's production of "As You Like It" was incorrect on page 2D Thursday. The play will be at 6:30 tonight at Gifford Pinchot State Park.

The date of Moonlight Boat Rides from the Lake Redman Boat Launch Area in William H. Kain County Park was incorrect on page 2D Thursday. The ride is 8:30 to 11 p.m. today.

In an article Wednesday on page 1C regarding depositions of reporters in the case involving the over Area School District and **intelligent design**, a remark by Niles Benn, attorney for The York Daily Record/Sunday News and The York Dispatch, was incorrectly reported. He said attorneys maintain Pennsylvania law puts the burden to secure information on the "subpoenaing party."

The York Daily Record/Sunday News wants to correct mistakes promptly. If you believe we have made a mistake, please call 771- 2000.

Document YKDR000020050718e17f00002

© 2005 Dow Jones Reuters Business Interactive LLC (trading as Factiva). All rights reserved.

CORRECTIONS

York Daily Record, York, Pa.; Jul 15, 2005, pg. 2

Abstract (Document Summary)

In an article Wednesday on page 1C regarding depositions of reporters in the case involving the Dover Area School District and intelligent design, a remark by Niles Benn, attorney for The York Daily Record/Sunday News and The York Dispatch, was incorrectly reported. He said attorneys maintain Pennsylvania law puts the burden to secure information on the "subpoenaing party."

Full Text (198 words)

Copyright (c) 2005 York Daily Record

A story on page 3C of Thursday's Daily Record had incorrect information about the blood supply at York Hospital and Gettysburg Hospital. WellSpan Blood Donor Services supplies most of the blood used at the two hospitals, but 10 to 15 percent of their supply comes from the American Red Cross.

The date of DreamWrights Youth and Family Theatre's production of "As You Like It" was incorrect on page 2D Thursday. The play will be at 6:30 tonight at Gifford Pinchot State Park.

The date of Moonlight Boat Rides from the Lake Redman Boat Launch Area in William H. Kain County Park was incorrect on page 2D Thursday. The ride is 8:30 to 11 p.m. today.

In an article Wednesday on page 1C regarding depositions of reporters in the case involving the Dover Area School District and intelligent design, a remark by Niles Benn, attorney for The York Daily Record/Sunday News and The York Dispatch, was incorrectly reported. He said attorneys maintain Pennsylvania law puts the burden to secure information on the "subpoenaing party."

The York Daily Record/Sunday News wants to correct mistakes promptly. If you believe we have made a mistake, please call 771-2000.

Credit: York Daily Record

Reproduced with permission of the copyright owner. Further reproduction or distribution is prohibited without permission.

Section: MAIN

ISSN/ISBN: 10434313

Text Word Count: 198

Document URL:

York Dispatch

Textbook publisher wants to join lawsuit

Says company is not a religious organization

By CHRISTINA KAUFFMAN *The York Dispatch*

Friday, July 15, 2005 - Of religion and science.

That's not what the book is about, John Buell said yesterday in Harrisburg's federal court.

And that's why Buell, the founder and president of the Texas-based Foundation for Thought and Ethics, publisher of the intelligent design textbook "Of Pandas and People," wants to intervene in a federal lawsuit against the Dover Area School District and its board.

An attorney for the 11 parents who filed the suit cross-examined Buell and chipped away at Buell's assertion that the Foundation is "not at all" a religious organization.

Several district parents filed the federal lawsuit, which alleges the board was religiously motivated last October when it voted to require a statement about intelligent design in science classes.

About 60 copies of the textbook were placed in the high school library for reference if students wanted to learn more about intelligent design, which says life is so complex that an intelligent being had to have had a hand in creating it.

Though board members have maintained that the books were donated by an anonymous source, board member Alan Bonsell's deposition names his father, Don Bonsell, as the donator of some of the books.

Buell said he doesn't want the book to be synonymous with the school board because the board, judging from what he has read, wanted intelligent design in its biology classes for religious reasons.

And equating intelligent design -- and thus his book -- to religion would be "catastrophic," Buell said.

"It would make that book radioactive," he said.

The foundation could lose as much as \$525,000 in sales from the book and its next edition "Design of Life," to be released next year, he said.

Teachers wouldn't want to buy the book, and scientists and authors wouldn't want to work with the group to create books in the future, he said.

Is organization religious? Buell said his organization is "not at all" Christian or religious in nature. But attorney Eric Rothschild with the Philadelphia-based law firm Pepper Hamilton pointed out that the not-for-profit organization's Internal Revenue Service tax exemption form says their primary purpose is "promoting and publishing textbooks presenting a Christian perspective."

Buell blamed the "error" on a new accountant who was "not even from the state of Texas."

He said he had never seen the form until Rothschild pointed out that his initials were on the bottom of one page.

The organization's Articles of Incorporation from the state of Texas also mention religion, Christianity and the Bible.

Buell blamed that on the attorney who filed the papers.

"So the accountant got it wrong and the attorney got it wrong?" Rothschild asked.

"That's true," Buell said.

Rothschild also brought forth several other examples of the foundation's possible religious ties, including an early draft of the book, which in its infant stages was titled "Biology of Origins."

The draft mentioned "creationism" frequently. But in the final copy of the book, after the title was changed, the word creationism was replaced with the phrase "intelligent design."

Buell said the word creationism was a "placeholder term." The definition of creationism changed to include a religious context after the draft was written, so the writers changed the word, he said.

Lawyer disputes 'surprise': Rothschild said the foundation had no right to intervene by "claiming they were surprised to find" that the school board had religious motivations. He said the suit, which was filed in December, had progressed too far to enter another party.

Middle District Judge John E. Jones said he wanted to focus on Buell's legal rationale for becoming involved in the case, particularly why the timing of the case would be to his detriment and why the Thomas More Law Center, which is representing the school board, would not already be representing his interests.

The board's attorney, Patrick Gillen with the Michigan-based Thomas More Law Center, also opposed the foundation's intent to join the case.

Gillen said the board doesn't consider intelligent design to be akin with creationism, so he will argue that point for the foundation.

Jones repeatedly asked Buell's attorney, Dennis Boyle of Lancaster-based Clymer & Musser P.C., to prove what the publishers would add to the suit, or in what way Thomas More would not be able to represent the foundation.

Jones said he would rule on the intervention "promptly."

-- Reach Christina Kauffman at 505-5434 or ckauffman@yorkdispatch.com.

'Pandas' publisher out of case

A foundation couldn't prove it had a stake in the Dover lawsuit, a judge ruled.

By LAURE LEBO
Daily Record/Sunday News
Friday, July 29, 2005

A federal judge ruled that the publisher of a controversial textbook may not join a First Amendment lawsuit over intelligent design.

U.S. Middle District Court Judge John E. Jones III denied the Foundation for Thought and Ethics' motion to intervene in the case Wednesday. The Texas-based organization had argued that it had financial stake in the lawsuit's outcome.

In a July 14 hearing in Harrisburg, Jon Buell, the foundation's president, said he didn't think attorneys for the Dover Area School Board will adequately defend intelligent design against the accusation that it is revamped creation science.

But in his decision, Jones called the foundation's assertions "absurd" and "disingenuous."

Foundation for Thought and Ethics published "Of Pandas and People," which promotes the concept that life is too complex to have evolved randomly and therefore must have been created by an intelligent designer.

Copies of the book are kept in Dover's high-school library.

Attorneys for both Dover and the 11 parents suing the district opposed the foundation's attempts to join the suit, arguing it would cause delays and complications for both sides.

In his decision, Jones agreed. He wrote that the foundation "was unable to verbalize how its interests and the defendant's interests diverge concerning the merits of the lawsuit."

He also said Buell's claim that he asked to intervene when he became aware of its potential impact on book sales was

"disingenuous" because he admitted to learning details of the case in January.

Bryan Rehm, one of the parents suing the district over the inclusion of intelligent design in the biology curriculum, said he's relieved by the decision because the foundation's interest is solely monetary.

"They don't care about the Dover community, they don't care about the Dover schools," he said. "That's why we entered into this. We do care about the Dover community, we do care about Dover schools."

The foundation's attorney, Len Brown of Lancaster-based Clymer and Musser, said his client is disappointed but has not decided whether he will appeal.

"He stands to lose a lot of money if his interests aren't fairly represented," Brown said.

Dover attorney Richard Thompson said had Jones permitted Buell to join the suit, it would have only complicated the case.

Thompson, of the Michigan-based Thomas More Law Center, said other textbook authors also then could have claimed they had a stake in the case.

"And it wouldn't have really addressed the issues that are involved in this lawsuit," Thompson said.

AT A GLANCE

- Thursday, a federal judge rejected attempts by the Foundation for Thought and Ethics, publishers of the pro-intelligent-design textbook "Of Pandas and People" to join the Dover Area School District court battle.
- On May 23, attorneys for the foundation filed a motion to intervene, arguing that if Dover loses its suit, intelligent design would be equated with creation science and sales of its books would plummet.
- In March, Jon Buell, president of the Texas-based organization, told the York Daily Record/Sunday News that he would not have recommended "Of Pandas" to the

Dover school board.

"If they would have contacted me, I would not have encouraged the people in Dover to use it because of other tools that are more up-to-date," he said in March. "The idea of intelligent design and the evidence that supports it has gotten extraordinarily more strong than when it was originally printed."

The foundation is working on an updated version of the book.

top

York Dispatch

Voters likely to get choice

Dover expected to act on Buckingham's resignation

By CHRISTINA KAUFFMAN *The York Dispatch*

Friday, July 29, 2005 - The voters of the Dover Area School District will likely have the chance to decide who will fill the seat of board member William Buckingham, who announced his intention to resign about two weeks ago.

The board's agenda for Monday's meeting includes approval of Buckingham's resignation, and district superintendent Richard Nilsen said Buckingham told him he plans to send Nilsen a written copy of his resignation, to be effective as soon as the board approves it Monday.

Buckingham said he was resigning because he planned to move to North Carolina for health reasons. He never publicly announced when he planned to move or resign, and he could not be reached for comment.

His former phone number has been disconnected. A woman who answered the door of his former residence at 3350 Sycamore Road in Dover said she is the new owner and he and his wife have moved.

At a meeting earlier this month, residents and school board candidates voiced concern about the timing of Buckingham's resignation.

Timing an issue: If his resignation is approved and effective before Sept. 8, the board of elections can put his seat on the ballot and each party can submit a candidate for election this fall.

But if his resignation is made after the September deadline, the board will have to appoint someone to serve the remainder of his term, which ends in 2007.

Board vice president Alan Bonsell said he wishes well Buckingham and his wife well.

"As far as Bill goes, I believe Bill was a guy who was good at heart and he cared for the kids of Dover, there's no doubt about that," he said. "I hope that his health improves."

School board candidate Bryan Rehm, a candidate with a group opposing the current school board, said he'll be pleased if Buckingham indeed forwards his written resignation to Nilsen for Monday.

Rehm said the resignation gives the citizens a choice, instead of leaving the board to appoint someone who agrees with them.

"For once, it represents the interests of the community..." Rehm said.

Rehm said his group, Dover CARES (Citizens Actively Reviewing Educational Strategies), has some members who would be interested in running for the open seat.

Rehm is also one of 11 parents who filed suit against the district and its board over the issue of intelligent design.

Buckingham was one of six board members who voted in October to make a statement about intelligent design part of the district's high school biology curriculum.

Intelligent design is a theory that attributes the origins of life to a higher being, not an undirected process such as natural selection. The school board's decision to have a statement on intelligent design read in ninth-grade biology classes sparked the lawsuit, filed in December.

Not related to lawsuit: Buckingham had been one of the board's most publicly outspoken proponents of intelligent design.

Richard Thompson, an attorney from the Michigan-based Thomas More Law Center, which is defending the school district and its board, said it is "up to the plaintiffs" to decide what kind of role Buckingham will play in the upcoming trial.

Thompson said Buckingham's decision to resign has nothing to do with the pending litigation.

"It is totally because of the pain and his deteriorating conditions," Thompson said.

Buckingham has been "suffering constant pain" over the past two years because of back and knee problems, Thompson said.

Last year Buckingham, who was 57 at the time, said that his crippling back pain began when he was injured in 1982 when a prisoner assaulted him while he was working as a correctional officer at the York County Prison.

Five appointments: In the past year, the school board has appointed members to five empty seats because of resignations. Two former school board members moved out of the district and three quit over intelligent design.

The five appointees are in favor of intelligent design, so some residents were concerned the board would appoint another person who agrees with them, robbing voters of the chance to vote for a candidate.

The five appointees will be on the ballot in November.

If Buckingham's resignation is approved and effective before September, it will mean almost the entire school board -- eight out of nine members -- will be up for election. There are currently four four-year terms and three two-year terms open on the board.

In the May primary, a field of 18 candidates was narrowed to 14, seven incumbents against seven Dover CARES candidates.

The candidates will face off in what has been called the most hotly contested school board election in Dover's history. Though all the candidates cross-filed as Republicans and Democrats, the incumbents will be listed as Republicans and the Dover CARES candidates will be listed as Democrats. In the May primary, the Dover CARES candidates won on the Democratic ballot, and the incumbents won on the Republican ballot.

Board president Sheila Harkins did not return a call for comment about whether the board will back a candidate for Buckingham's seat.

Buckingham resigns by letter

The former Dover School Board member cited his poor health as a main reason.

By JOSEPH MALDONADO
For the Daily Record/Sunday News
Tuesday, August 2, 2005

In a letter that mentions his struggles with poor health, Oxycontin and anyone he may have been unkind to, Bill Buckingham resigned his position on the Dover Area School Board on Monday night.

There was no mention of the pending litigation over the concept of intelligent design, which was added to the district's ninth-grade biology curriculum due in part to his efforts.

The resignation letter was read by Richard Nilsen, superintendent. Buckingham, who was not present, announced last month that he was going to resign and move to North Carolina because of his deteriorating health.

Buckingham's resignation was accepted by unanimous vote. Board member Ed Rowand was absent at the meeting.

In the letter, Buckingham thanked his fellow board members for their patience and understanding. He also mentioned the condition of his health for the past two years.

"The condition of my back and knees has steadily deteriorated, and I have been in constant pain," he stated. "During this period I have also struggled with Oxycontin ..."

He said the drug has affected his demeanor and apologized for "whatever personal harm I may have caused."

Later in the letter, he apologized a second time to, "anyone I have been unkind and asked for their forgiveness and understanding."

After the meeting Alan Bonsell, board member, said he was understanding of Buckingham's situation.

"I mean the guy had six or seven back operations and I don't know how many on his knees," Bonsell said. "He was a good guy at heart and always cared for the best interest of the kids."

After the meeting, Sheila Harkins, board president thanked Buckingham for his service.

"That's all I want to say," she said.

Because he resigned before Sept. 8, voters will get to decide who will fill Buckingham's position on a permanent term basis during the November election. Meanwhile, the board will interview for a temporary replacement on Aug. 22 at 6 p.m. at North Salem Elementary School.

While he is glad Buckingham resigned before the election deadline, former school board member Larry Snook said he should have done it in person.

"He had no qualms about getting us into hot water (over the intelligent design lawsuit) in person" Snook said. "He should have had no qualms about walking away in person."

Bonsell said he was indifferent about Buckingham resigning by letter, given the district's current state of litigation.

"He'll be back if they (the courts) need him," he said. "If he were healthy, he would have stayed."

Two candidates from political action group Dover CARES, which has opposed the current school board's decision to include intelligent design in the curriculum and is running against them in the fall election, say they will not interview for the temporary seat opened up by Buckingham.

"I interviewed once and it was pretty clear they did not care what I had to say," said Terry Emig from Dover CARES.

"I'm not going to interview," said Bernadette Reinking

from Dover CARES. "Even if they selected me, I doubt if any real changes could be made in such a short period of time."

NEXT STEP

Voters in the Dover Area School District will vote in the November election to replace the position now open because of Bill Buckingham's resignation. Meanwhile, the school board will interview for a temporary replacement 6 p.m. Aug. 22 at North Salem Elementary School.

top

Reporters can be questioned

A judge said the two can be deposed in the Dover case.

By MICHELLE STARR
Daily Record/Sunday News
Wednesday, August 3, 2005

A Pennsylvania District Court judge ruled Tuesday that reporters at both York newspapers could be deposed in a court case over intelligent design in the Dover School District but said they did not have to provide access to their notes or e-mails.

"The reporters may be deposed with regard to what they perceived, saw, and heard at Dover Area School District public meetings ... reporters may not be questioned concerning any confidential sources," Judge John E. Jones III's decision states.

Documents and e-mails are not relevant and reporter's privilege applies to other documents, the judge ruled.

The dispute involves reporting on Dover Area School Board and its decision to allow the teaching of intelligent design.

In December, 11 parents sued the district and its board members, claiming they were bringing God into science class.

In June 2004, Joseph Maldonado, a freelance correspondent with the York Daily Record/Sunday News, and Heidi Bernhard-Bubb, a freelance correspondent with The York Dispatch, quoted school board members discussing creationism.

This summer, plaintiffs' attorneys subpoenaed the reporters for depositions. The reporters sought to quash the subpoenas.

Then the defendants served subpoenas for documents. Defendants have said the reporters have been biased and false. The court found no validity to this claim, Tuesday's documents state.

The reporters' attorney had offered affidavits attesting to

the accuracy of the coverage.

The plaintiffs were satisfied with that, their attorney, Eric Rothschild of the firm Pepper Hamilton, said.

But the defendants were not convinced, said Richard Thompson, president of the Thomas More Law Center.

"Fairness compelled us to say, 'Wait a minute — if you're going to call reporters to the stand, we have a right to depose the witnesses,'" Thompson said. "We got involved in order to ensure that our clients received a fair trial."

Both sides said they are pleased with Jones' decision.

"His ruling will support our view that the reporters can be called to testify what they saw at the public meeting and that what they wrote was accurate," Rothschild said.

Thompson added: "It basically allows us to take the deposition of the two reporters who the plaintiffs have indicated they will take as witnesses. We're going to engage in a full discovery deposition that is relevant to the case to what they saw, heard and perceived."

James McClure, editor of the Daily Record/Sunday News, and Lori Goodlin, editor of the Dispatch, said they were pleased the court ruled against using documents but are considering fighting the decision to allow the reporters to be deposed.

Goodlin said allowing reporters to be deposed takes away their role as neutral observers.

The newspapers planned to consult their attorney, Niles Benn, today.

"We're working hard not to get dragged further into their litigation," McClure said.

Paul McMasters, first amendment ombudsmen at the Freedom Forum in Washington, said bringing reporters into the legal process is dicey. "The story should speak for itself," he said. "Sometimes courts forget that no story, no article is ever the sole product of one reporter."

Bush adds to evolution buzz

The Dover school board has 'powerful friends in Washington,' its attorney joked.

By LAURI LEBO
Daily Record/Sunday News
Wednesday, August 3, 2005

With President George Bush's remarks supporting the teaching of intelligent design alongside evolution, the national political spotlight is now shining brighter than ever on the Dover Area School District and its First Amendment battle.

"The Dover school board called in the big guns," Richard Thompson, an attorney for the district, joked. "They have powerful friends in Washington."

While Bush declined to give his personal opinion on the subject, he said students should be exposed to different ideas on the origins of life.

In a round-table discussion Monday with Texas journalists, he said, "I think that part of education is to expose people to different schools of thought. You're asking me whether or not people ought to be exposed to different ideas, the answer is yes."

Thompson, of the Michigan-based Thomas More Law Center, said Bush's comments showed how far out in front of the issue the Dover board has been in requiring intelligent design to be a part of the district's biology curriculum.

But, he said, Bush is going one step further. Bush said it should be taught in school. Thompson said the board is only making students aware of intelligent design as an alternative to evolution.

Thompson said he thinks Bush is merely weighing in on a subject that has captured the attention of people across the country.

"It's almost a part of the American psyche to debate this," he said.

But while evolution may be debated among politicians and laymen, the mainstream scientific community argues the theory of evolution is almost universally accepted. Evolution is commonly referred to as the "single unifying paradigm of biology."

The National Academy of Sciences and the American Association for the Advancement of Science have both concluded there is no scientific basis for intelligent design and oppose its inclusion in school science classes.

Karl Kleiner, a York College biologist, said the mistake is in believing there should be equity between the theory of evolution and intelligent design.

"It just shows the illiteracy today in what science is and what a theory is," Kleiner said.

In December, 11 parents filed a lawsuit against the Dover district, arguing the school board is trying to force religion into science class.

Bush has weighed in on evolution before. In 1999, when campaigning for president, the then-Texas governor defended the teaching of creationism alongside evolution, stating, "I believe children ought to be exposed to different theories about how the world started." In 1987, the U.S. Supreme Court struck down the teaching of creationism alongside evolution in public schools, arguing it violated the First Amendment clause prohibiting the establishment of religion.

"I certainly don't want to get into a debate with the president," said attorney Eric Rothschild, who is representing the 11 parents suing Dover.

Rothschild, of the Philadelphia-based firm of Pepper Hamilton, said Bush's opinion differs from that of his own science adviser.

Speaking at the conference of the National Association of Science Writers in February, science adviser John Marburger said "intelligent design is not a scientific theory," according to American Prospect magazine.

He also said, "I don't regard intelligent design as a

scientific topic."

Ken Miller, who authored "Biology," the textbook used in Dover, said Bush has taken a position common to politicians.

"It's very easy for politicians to say, 'Let people hear both sides,'" Miller said. But, he added, the problem then becomes which version should be taught.

"There are a variety of non-scientific theories," Miller said. "Young Earth creationism, old Earth creationism, intelligent design, Native American creation myths. So when you talk about letting them hear the other side, it becomes, 'What other side?'"

BACKGROUND

On Oct. 18, when its school board voted 6-3 to approve science curriculum changes, the Dover Area School District is believed to have become the first district in the country to include intelligent design in its high school biology curriculum.

Intelligent design is the idea that life is too complex to have evolved solely through natural selection and therefore must have been created by some intelligent force.

Supporters say the policy simply gives time to alternative views to evolution.

Its critics say it's not science, but a way of forcing Christianity into biology class.

[top](#)

Senator recasts science stance

Santorum said evolution's 'holes' should be taught instead of intelligent design.

By LAURI LEBO
Daily Record/Sunday News
Friday, August 5, 2005

On the heels of President Bush's remarks supporting intelligent design, another conservative politician weighed in, this time against it being taught in science class.

In an interview on National Public Radio on Thursday, U.S. Sen. Rick Santorum — who might be eyeing a presidential run in 2008 — said he opposes intelligent design being taught in the classroom.

"As far as intelligent design is concerned, I really don't believe it has risen to the level of a scientific theory at this point that we would want to teach it alongside of evolution," the Pennsylvania senator said.

Rather, he said, schools should be focusing on teaching what he considers to be "the problems and holes" in evolution.

In December, Santorum praised the Dover Area School District's decision to revamp its biology curriculum, which includes intelligent design. In his Dec. 25 guest column in the Pittsburgh Post-Gazette, he wrote, "I commend the Dover Area School District for taking a stand and refusing to ignore the controversy."

Santorum's spokesman, Robert T. Raynham, said the senator's written praise was limited to "teaching the controversy surrounding evolution."

As for whether Santorum opposes the Dover board's decision to include intelligent design in the curriculum, Raynham couldn't say.

"We would need to talk to the senator about that," he said.

In February, the district mailed out a newsletter defending its position called "Biology Curriculum Update," which included a reprint of the senator's editorial under the

headline, "Sen. Santorum applauds Dover District."

"I can kind of understand what he's saying," said Dover Area Board Member Ron Short. "He's said before that the controversy ought to be taught, as opposed to the idea that, 'this is ID, this is evolution.'"

But the conservative senator's remarks Thursday conflict with President Bush's stated support earlier this week for teaching intelligent design alongside evolution.

Bush told reporters from Texas on Monday that "both sides" in the debate should be taught in schools "so people can understand what the debate is about." On Tuesday, Pennsylvania's senior senator, Arlen Specter, told the Philadelphia Inquirer that he also supports teaching both sides of the issue.

Intelligent design is the idea that life is so complex it must have been created by an intelligent designer.

In December, 11 parents filed suit against the Dover district, arguing that the board was motivated by religion when it rewrote its science curriculum and that intelligent design is actually creationism in disguise. Board members say they were merely trying to present alternative views on the subject.

In January, district administrators read a one-minute statement to students that said, "Intelligent design is an explanation of the origin of life that differs from Darwin's view. The reference book, *Of Pandas and People*, is available for students who might be interested in gaining an understanding of what Intelligent Design actually involves."

As for the fact that Santorum does not consider intelligent design to be a scientific theory, attorney Eric Rothschild pointed out that the senator sits on the advisory board of the Thomas More Law Center, which is representing Dover in its legal battle.

"So I hope the message trickles down," said Rothschild, attorney for the parents suing the district.

Still, Santorum's approach of "singling out the theory of

evolution out of all scientific theories for special scrutiny is no more appropriate, in our opinion, than promoting intelligent design," said Rothschild, who is with the Philadelphia law firm of Pepper Hamilton.

Richard Thompson of the Thomas More Law Center did not return a call for comment.

Santorum has long advocated for teaching what he and others, such as the pro-intelligent design Discovery Institute, call the controversies of evolution.

Reach Lauri Lebo at 771-2092 or llebo@ydr.com.